

RCE & Amendment
Serial No.: 10/612,784
Attorney Docket No.: ORW01-GN004

REMARKS

Introductory Comments

Claims 1-15 and 17-90 are pending in the present application. Claims 17, 18, 38, 39, 80, 81, 89, and 90 have been withdrawn in light of the previous restriction requirement. Claims 1, 27, 28, 54-57, 59, 62, 64-66, 68-73, 76, and 82 have been amended. Claim 16 has been cancelled. Reconsideration of the application is respectfully requested.

May 25, 2006 Office Action

Information Disclosure Statement

The May 25 Office action indicates that the Examiner has not been provided with a copy of the international search report, which Applicant supplied to the Office in its immediately preceding two information disclosure statements (IDSs). To overcome this issue as best as Applicant can, Applicant is again submitting a copy of the international search report of Applicants corresponding PCT application.

Applicant obtained a translation of the German Kluber reference ("Kluber"), DE 19716051, and is submitting herewith a translation of Kluber in response to the Examiner's indication that Kluber would not be considered if not in English.

If, for whatever reason, the copy of the international search report or other materials accompanying the IDS forms do not reach the Examiner, Applicant respectfully requests the Examiner to contact the undersigned to receive these materials in time to consider the application on the merits.

It is respectfully requested that the Examiner consider the international search report and Kluber reference prior to issuance of the next Office action on the merits.

Objection to the Drawings

The drawings are objected to as allegedly being deficient in not showing that the constraining augments are adapted to be fastened to the "acetabular cavity within a hip bone" or "positioned about a femoral member." The objection to the drawings has been

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overcome by the addition of FIG. 10 showing both features. Applicant asserts that the drawing introduces no new matter and is fully supported by the written description as filed. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

35 U.S.C. §102 Rejections

Claims 1-16, 19-37, 40-79, and 82-88 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,228,122 to McGann ("McGann"). This ground of rejection with respect to claims 1-16, 19-37, 40-79, and 82-88 has been overcome by the amendments to claims 1, 27, 54, 73, and 82.

Claims 1 and 27 have been amended to clarify that the claimed semiannular augment temporarily increases the height of a portion of the rim of the acetabular cup, which assists in stabilizing the ball joint type coupling. In contrast, the devices of McGann in no way affect the height of the rim of the acetabular cup. Therefore, the amendments to claims 1 and 27 clearly distinguish these claims from the structures of McGann and are therefore in condition for allowance, as well as the claims that depend therefrom.

Claims 54, 73, and 82 have been amended to clarify that the claimed invention includes constraining curbs. Applicant has used the term "curb" to refer to a raised shoulder or embankment to strengthen or confine. Each of the exemplary embodiments in the instant application disclose a shoulder or embankment to strengthen the acetabular joint or confine the ball within the acetabular socket. In contrast, the devices of McGann fail to provide a raised shoulder or embankment that strengthens or confines the hip joint. Therefore, the amendments to claims 54, 73, and 82 clearly distinguish these claims from the structures of McGann and are therefore in condition for allowance, as well as the claims that depend therefrom.

It is also respectfully submitted that McGann fails to disclose the limitations explicitly recited in dependent claims 2-15, 19-26, 28-37, 40-53, 55-72, 74-79, and 83-88.

Claim 16 has been cancelled and therefore the grounds of rejection as applied to this claim are moot.

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Reconsideration and withdrawal of the rejections of record for claims 1-16, 19-37, 40-79, and 82-88 are respectfully requested.

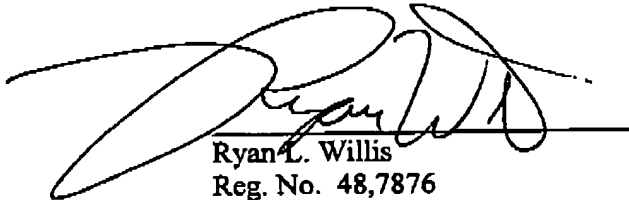
Conclusion

In light of the foregoing, it is respectfully submitted that claims 1-15 and 17-90, now pending, are patentably distinct from the references cited and are in condition for allowance. Reconsideration and withdrawal of the rejections of record are respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees that may be required by this paper, or to credit any overpayment to Deposit Account 50-3072.

In the event that the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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